

Year called 2018

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Nicholas is a dual-qualified barrister and Chartered Engineer having come to the Bar from a previous career with Ove Arup & Partners. He is able to accept instructions across all areas of Chamber's specialisms with a particular focus on construction and engineering disputes and international commercial arbitration. He completed his pupillage in September 2019 and is now regularly instructed by employer, contractor and consultant parties in the construction field.

In his time at Arup, Nicholas qualified as a bridge design engineer before moving into procurement and commercial management. As an engineer he worked on projects around the world including Abu Dhabi International Airport and St Pancras International as well as bridge projects throughout the UK. As commercial manager he led the procurement of several contracts for the Queensferry Crossing in Scotland and of the Garden Bridge in London. He has experience in all of the major standard form contracts with a specialism in the FIDIC contract suite. He also served as Secretary to the firm's Management Board and is able to bring deep, client-side insight and significant commercial acumen to his work at the Bar.

PRACTICE AREAS

- Commercial & Construction
- Civil Liability
- Public & Regulatory
- Environmental & Planning

PRACTICE AREAS

COMMERCIAL & CONSTRUCTION

Nicholas is instructed by employers, contractors and consultants in the construction and engineering sectors on disputes ranging from payment claims to multi-million-pound defects cases, including adjudications. His practice incorporates High Court work, including cases in the TCC, as both sole counsel and as junior counsel, as well as appearances in the lower courts. He is also developing a wider

commercial practice and has a particular interest in international arbitration. His experience includes:

- A number of very large cases related to construction defects in PFI hospitals, in both adjudication and litigation.
- A multi-million pound final account adjudication.
- Sole counsel in an upcoming 5 day TCC trial regarding defective piling.
- A large civil fraud matter, focusing on the liability attaching to undisclosed principals.
- A cross-border merger between Italian and UK companies.
- Successful possession proceedings and claim for rental arrears.
- Advice regarding perjury in international commercial arbitration.
- Litigation concerning unlawful hacking of mobile telephones.
- An arbitration regarding a waste treatment plant in East Asia.

Whilst at Arup, in his role as commercial manager for the UK Infrastructure Practice, Nicholas was involved in the resolution of a number of disputes and the negotiation of commercial agreements including:

- A Court of Appeal case concerning design liability for asbestos and the effectiveness of exclusion clauses.
- A delay and disruption claim on a tunnelling contract in Scandinavia.
- Pre-arbitration negotiations on a multi-million pound fee claim with counter-claims for delay and disruption.
- Leading the negotiation of consultancy contracts on behalf of a three-way joint venture with a joint-venture contractor for complex concept and engineering design of a high-speed railway.
- Management of procurement of the design-build contractor for the Garden Bridge, including negotiations for termination following cancellation of the project.
- Leading the commercial management and close-out of £40m and £12m contracts on the Queensferry Crossing project.

CIVIL LIABILITY

Nicholas regularly appears in court and has extensive experience of applications, trials, infant settlement approvals and CCMCs. He is primarily instructed by insurer clients in personal injury, credit hire and general civil liability cases.

Nicholas also assisted on a number of civil liability matters during pupillage. Types of cases with which Nicholas was involved included:

- High Court trial in a fatal accident case.
- Fundamental dishonesty allegations.
- Assisted with a detailed advice concerning liability for allergens in food products.
- A matter regarding the scope of duty to relatives affected by treatment of a psychiatric patient and

concerning primary and secondary victim status.

- Criminal Injuries Compensation Authority appeal in a claim relating to historic child sexual abuse.
- Joint settlement meetings in a variety of clinical negligence and personal injury matters.
- Drafted pleadings and schedules of loss and damage in clinical negligence and personal injury matters.
- Assisted in the preparation of two inquests.

PUBLIC & REGULATORY

During pupillage Nicholas worked on several public and regulatory matters. Examples of the cases which Nicholas was involved in include:

- A number of cases concerning the regulation of solicitors and the operation of the Solicitors Act.
- Response to an application to appeal to the Supreme Court in a case concerning entry clearance for family visits.
- Advice regarding a potential claim for misfeasance in public office.
- A matter in which proceedings were sought to be brought against the European Commission in the English courts concerning applicability of Libyan sanctions.
- Court of Appeal case concerning improper sponsorship for migrant visas.
- Summary grounds of defence in a judicial review regarding removal decisions following the English language certificate scandal.

ENVIRONMENTAL & PLANNING

Nicholas assisted on a number of cases during pupillage considering a range of development plan policies as well as parts of the NPPF. Some of the cases Nicholas was involved in during pupillage include:

- A judicial review challenge to the development of a third runway at Heathrow airport.
- A planning inquiry concerning development on the Isle of Dogs.
- Pro-bono advice regarding challenges to the Local Plan in Norwich.
- A dispute regarding the jurisdiction of the Upper Tribunal to consider a claim arising from compulsory purchase under the Highways Act and defective accommodation works.
- Lawful use of a HMO, involving a complex planning history.
- Judicial review challenge to the airspace change decision at Farnborough airport.
- A matter concerning compensation for nuisance due to underground oil seepage.

QUALIFICATIONS

BPTC, University of Law (Very Competent, academic prizes for top marks in Opinion Writing and International Commercial Practice)

GDL, University of Law (Distinction)

MSc, Construction Law and Dispute Resolution, King's College London (Merit)

MEng, Civil Engineering Design and Management, Cardiff University (First Class)

PROFESSIONAL QUALIFICATIONS AND MEMBERSHIPS

Fellow, Chartered Institute of Arbitrators (FCIArb)

Member, Institution of Civil Engineers (MICE)

Chartered Engineer (CEng)

Member, Society of Construction Law

Member, the Honourable Society of the Middle Temple

PRIZES

Baron Dr Ver Heyden de Lancey Prize for highest marks in BPTC, Middle Temple

25th Willem C Vis Moot, 2018: final sixteen

Middle Temple Rosamund Smith Moot, 2017: winner

University of Law GDL Moot, 2016: finalist

Atkin Scholar, Middle Temple

Blackstone Entrance Exhibitioner, Middle Temple

ADDITIONAL INFORMATION

Publications

Chapter on **Dispute Boards** in The GAR Guide to Construction Arbitration – Third Edition 2019.

Contributing Editor, Construction Law Quarterly Review, Management, Procurement and Law, Proceedings of the Institution of Civil Engineers.

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